

**Revision to the Pot Creek Memorandum of Understanding
Minutes of July 27 and 28 Meeting
Held in Vernal, Utah**

Present for Utah

Lee Sim, Assistant State Engineer
Bob Leake, Area Engineer
Andrew Dutson, Engineer

Present for Colorado

Ken Knox, Assistant State Engineer
Bob Plaska, Division Engineer
Erin Light, Engineer

July 27th

The meeting started with a field trip on July 27th to see the drainage basin for Pot Creek. In addition to the people listed above, Kathy Bower and Mike McCarroll, Water Commissioners for Colorado and Utah, respectively, were also in. The trip began at the upper reaches of the basin that have historically been administered under the Pot Creek Memorandum of Understanding (MOU). Structures that were visited included the following:

1. Betts Cove Reservoirs (Utah)
2. Gage above Matt Werner Reservoir (Utah)
3. Matt Werner Reservoir (Utah)
4. Lee Cabin Diversion (Utah)
5. Calder Reservoir (Utah)
6. Crouse Reservoir (Utah)
7. Stateline Gage
8. Miles Ditch Diversion (CO)
9. Offfield Reservoir (CO)
10. Dry Lake Reservoir (Miles Reservoir) (CO)

Due to the extended drought conditions, Dry Lake, Offfield, and Crouse Reservoirs were dry, and Calder Reservoir had minimum storage. Observations made during the tour included the following.

1. The Betts Cove Reservoirs appear to have the capacity to store more than their permitted volumes.
2. A location for the new gage above Matt Werner Reservoir was finalized.
3. The flume below Crouse reservoir needs to be relocated and refurbished.
4. The Miles Ditch has a large breach that allows water to irrigate a meadow above the decreed place of use. This meadow has to fill with water before flow can proceed to Dry Lake reservoir.
5. No apparent irrigation has taken place at the Dry Lake Reservoir site in some time.
6. Offfield Reservoir appears to be used principally for stock watering and to supply a very small pond.

7. The measuring flume in the Miles Ditch may need to be relocated to measure the actual flow in the ditch.

July 28th

The meeting began at 8:30 am. Specific items that were discussed included the following:

- Utah has become aware of a pipeline that diverts from a spring that feed Pot Creek above Matt Werner. The pipeline runs for about a mile to fill a pond. There is no permit for this right and Utah will investigate this.
- There was a discussion of new stock ponds in Utah. Utah's position was that ponds on the tributaries don't affect the flow in Pot Creek. The tributaries are intermittent streams. Colorado expressed concern that new stock ponds should be evaluated based on potential impact to Pot Creek flows, and not just assumed to be non-injurious.
- Utah has found a new on-channel pond below Matt Werner reservoir. They will be checking into this structure. No permit was obtained for it.
- Utah is not approving any new surface water rights on the "live stream" portion of Pot Creek.
- A discussion of wells in Utah was held. Wells in the Pot Creek drainage for domestic use are currently permitted to serve 1 home, up to 10 head of stock and up to one acre of irrigation. In reality, little irrigation is done around the homes. Colorado asked that permits for wells be evaluated in the future on their potential impact to stream flows.
- Utah asked what Colorado's position was on the use of Guzzlers. Guzzlers are structures that gather water from small areas of land lined with impervious barriers. Usually the area covered by the barriers is very small and the structures are located off-channel in normally dry drainages. Colorado felt the use of such structures was a good way to beneficially use water, provided senior rights were not impacted.
- Utah has an administration policy covering the Pot Creek drainage as part of the overall policy for Area 41. The policy is on their web site.
- There was further discussion on permitting isolated springs and wells. Utah has a definition of springs versus wells, but it is not a statutory definition. Colorado asked that Utah consider requiring applicants for permits for isolated springs and wells show that they are not tributary to Pot Creek and would not cause injury.
- The Draft Operating Plan prepared by Utah was briefly reviewed. One question that came up regarded Permit 41-3179 for 80 Acre-feet. It was stated by Utah that this right was included in the storage right for Crouse reservoir and was not a separate right.

A general discussion was held regarding the finalization of documents and timelines for submittal to the Governors of both States. Colorado proposed that three documents should be developed; a revised MOU, an operations plan, and an accounting/reporting plan. Ken Knox volunteered to draft the revised MOU. Bob Leake and Bob Plaska will work on the operations plan. Erin Light and Andrew Dutson will work on the

accounting/reporting plan. It was agreed that the operations and accounting/reporting plans will not be part of the MOU, but will be referenced in it.

The schedule for completing drafts of the MOU and plans is October 1, 2004. A meeting will be held in Steamboat Springs starting at 2:00 PM on October 5 and continuing on October 6th to review the draft and address questions and concerns. Drafts will then be submitted to the respective State Attorney General's Office by October 15th. A further meeting may be necessary to resolve any differences raised by the AG's review. After the documents are finalized, they will be presented to the State Engineers for both States, and to the water users at the next Pot Creek Water Users Association meeting, probably in March of next year.

The next meeting was scheduled for October 5th and 6th in Steamboat Springs, Colorado.